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THE ALABAMA HISTORICAL SOCIETY
MONTGOMERY

Reprint No. 37

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Personal Recollections of Thomas
Hord Herndon, with Remarks
upon his Life and Character

BY

SUTTON S. SCOTT

[From the TRANSACTIONS, 1904, Vol. V]

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X. PERSONAL RECOLLECTIONS OF THOMAS HORD HERNDON, WITH REMARKS UPON HIS LIFE AND CHARACTER.

By SUTTON S. SCOTT,¹ Auburn, Ala.

The present sketch is the last of several written by me with regard to old Alabama friends, who have risen to distinction—some more decidedly than others, of course—in her councils during the last half century. Permit me to say I am glad they have been written; although none of them have altogether satisfied me. I have always in these papers fallen far short of producing the life-like pictures of the men sought to be drawn and the times which they served and adorned, that existed, and indeed still exist in my own mind. But such writings, however imperfect in execution, if facts be plainly stated and without exaggeration, are ever beneficial; they not only furnish good material for history and examples for youthful guidance, but they serve and this is no unimportant consideration—to encourage our public men in the right performance of the right sort of work. In short, all biography—the humblest as well as the best—suggests to such men what may be said of them after death, and is consequently an incentive, outside of the consolation to be derived from well-doing, to firmness, courage and patience in treading the rugged, precipitous and often storm-swept path of duty.

It was at the opening of the session of the Alabama legislature (1857-8) in Montgomery, that I first met Thomas H. Herndon.²

¹ For sketch of Col. Scott, see *Trans. Ala. Hist. Society*, 1899-1903, vol. iv., pp. 313-314, note.—Error.

² Herndon was of excellent parentage. His father belonged to the noted family of central Virginia Herndons, and his mother to the equally noted family of South Alabama Toulmins. Her father, indeed, Judge Henry Toulmin,—was a distinguished man in three States,—in Kentucky, where he first settled, he was secretary of State; in Mississippi, to which he subsequently removed, he occupied high judicial positions; and the same was true of his status in Alabama, where he at last was permanently located—being engaged toward the close of his life, by act of the legislature, in making a digest and compilation of its laws.

Herndon was born July 1, 1828, at Erie, then of Greene, now of Hale county, in the very heart of the great Alabama Black Belt. He obtained his degree of bachelor of arts from the State University at Tuscaloosa

He was a member of the House from Mobile, and I, from Madison county. Both of us being young men—he was the elder by nearly two years—and both young legislators, our acquaintance-ship speedily ripened into a friendship which became so much strengthened by close and intimate association during the session, that the tie thus formed continued without break or jar, until he passed out of earth more than twenty-five years thereafter. Our seats in the house adjoined, and, for a large part of our legislative connection, we occupied rooms on the same floor, in easy reach of each other, at the historic Exchange hotel.

Herndon, without any effort on his part in that direction, was soon at the head of the young men of the House, many of whom were highly cultured and brilliant; and he did much toward shaping the legislation of the State. Mobile, as the metropolis of Alabama, asked in behalf of her people, many changes in, as well as additions to existing laws, some of which were of far-reaching importance. At the head of her delegation in the House was a veteran lawyer,—William Giles Jones,—who became chairman of the judiciary committee; and yet I doubt, if this old, able and popular legislator, with the chief committee of the House behind him, did more toward securing the needed legislation for Mobile, than was done by Herndon.

Only a few words more with regard to Herndon in that legislature. It may be well to premise that the sessions were biennial—having been changed from annual sessions by amendments proposed to the constitution in 1845. At least it was so understood. A large part of the members of both Houses, at the session under consideration, were desirous of providing for a return to annual sessions; and a bill had been introduced into the House of Representatives for the purpose. Almost all the younger members favored the bill, indeed were anxious for its passage, and considerable pressure, to my knowledge, had been brought to bear upon Herndon to obtain his active co-operation. But when the bill came up for consideration, Herndon took the floor against it.

in 1847, and that of bachelor of laws from Harvard College, Cambridge, Massachusetts, in 1848. Soon thereafter (on December, 1848,) he was married. For a short time he practiced his profession in his native county; but his home for the greater part of his life, after he reached manhood, was in the city of Mobile,—amid the cultured society of which he took high rank socially, politically and at the bar.

From his remarks it appeared, that he had gone back to the old files in the office of the secretary of State, and discovered what he esteemed to have been a fatal error in the constitutional work of 1845 to bring about the change from annual to biennial sessions; in other words, he found that no provision, according to his judgment, had been properly made for the change from annual to biennial elections; that although, as he reasoned, the sessions under the Acts of 1845, etc., were biennial, the members were elected for but one year; and that consequently, if the bill under consideration, became a law, with no provision for annual elections (an amendment to that effect having been voted down), when the time came for the next legislature to meet under the bill, there would be no members constitutionally entitled to seats. His argument against the measure based upon the facts given, was urged with much clearness and force. The bill nevertheless passed both the House and Senate. Grave doubts as to its soundness, however, it should be added, were created in the minds of many of the members by Herndon's speech. The same sort of doubts were entertained by Governor Moore, when the bill came before him, and on account of them he vetoed it, while he acknowledged in his message, that he was in favor of the object sought to be accomplished by the bill—a return to annual sessions of the legislature. The governor also suggested in his veto message the propriety of resolutions being at once adopted (I quote his words) "proposing amendments to the constitution, effecting the objects of this bill, in order that the doubts and difficulties, under which we are now laboring, may be removed and that the people may be able to understand the supreme law of the land."

I think it was during the spring or summer of 1860 that Herndon made a short and hurried visit to Huntsville to see me, and some others of his friends in North Alabama. While there, at our solicitation he consented to address the people of Madison county upon the political issues of the day. The circuit court room in the court house, which had been selected as the place for the speech, was on the occasion well packed with people largely made up of the two bitterly warring factions of the Democracy, who afterwards voted for Breckenridge, on the one hand, and Douglas on the other, among whom were intermingled a few members of the American party, who afterwards voted for Bell.

I have but a vague and misty recollection of the speech. (Bear in mind it was made almost half a century ago, and that in these remarks, I am depending altogether upon my memory;)—I know, however, the speech was characterized throughout by genuine unadulterated southernism, backed by solid fact and argument, and was calm, yet forcefully delivered. I know that the State rights Democrats present were delighted with it; and I am sure there was left upon their minds as upon mine, the impression of the speaker being one of the truest of Southern men—one who loved his native State with his whole soul, mind and strength—a love, I should add, which was subsequently most signally illustrated in heroic deeds on the blazing crest of battle, and afterwards amid the gloomy, sombre, and disaster-brooding shadows of congressional reconstruction.

There was a most interesting incident connected with this speech. As soon as Herndon left the stand, a young man was invited to it, whom I had never before seen. He had dark hair, which he wore long, dark eyes, a spirited expression and a gallant bearing. While Herndon had spoken coolly, dispassionately and convincingly of the wrongs of the South and Republican aggression, the stranger spoke of them with much warmth, and now and then, with a burst of rare eloquence. While Herndon's speech had been the grave and statesmanlike utterances of a sedate and self-poised senator, the stranger's speech (although he was apparently but two or three years younger than the former), was the words of a well-grown and brilliant boy just out of the schools, jumping to his conclusions with graceful and confident enthusiasm—the whole being expressed with an impassioned and truth-loving force, that carried his hearers irresistibly along with him. That was the introduction to me, and no doubt to most others in that audience, of him who, in a few years, was widely known, admired and loved, as Lieutenant-General John B. Gordon.

About eighteen months after this visit to Huntsville I met Herndon in Montgomery, he, as a member of the constitutional convention of the State, which carried Alabama out of the Union, and I, as a member of the legislature convened in extraordinary session by Governor Moore. He occupied no inconspicuous position in that august body, composed, as it was, of many of the most

prominent men in the State. His course was marked by that coolness, dignity and well weighed consideration of all important measures, which were ever the case with him in his varied legislative experiences. On the 11th day of January, 1861, the ordinance of secession was adopted. Herndon voted for it of course. He could not have done otherwise, for he sincerely and honestly believed it to be the only remedy for existing evils; and to its maintenance he unhesitatingly pledged his life, his fortune and his sacred honor.

When the war broke out he was among the first to take the field. He was soon elevated to the colonelcy of his regiment, the Thirty-sixth Alabama—and he served in that capacity until the war closed. It is hardly necessary to say that he was a gallant soldier, whose watchword was duty, in the discharge of which death had no terrors for him. He was often wounded—twice severely—once so desperately (making his life ever after one long, unbroken malady), that he could, with good reason, perhaps should, have retired from the army, but no thought of such a step, I am sure, ever entered his mind; he was in the war to stay as long as he could mount a horse or wield a sabre. I have said he was often wounded. Indeed I have heard it stated, that he never took part in a battle—even a skirmish—that some rifle of the Yankees did not seek him out to stop its bullets. I think it was from his own lips that I obtained the facts with regard to the manner in which he received his most serious wound. He was on horseback at the head of his regiment, when he felt the ball strike just below his breast bone. It made him deathly sick, and swaying to and fro from weakness, he managed to dismount. Some of his old soldiers close by observing the action, with a shout to those around—"Colonel Herndon is hit again"—rushed to his assistance. As his feet touched the ground he heard something fall in the leaves behind him. When found and picked up, it was discovered to be the ball. Then it was, knowing that the missile had passed entirely through his body, that he supposed the end for him had come at last, and that he would never be permitted to see home and wife and children again. For some months, indeed, he engaged in a hand-to-hand struggle with death—now one, then the other, was uppermost, finally, however, he sufficiently recovered (but as before intimated he was never a

sound man again), to bless for nearly twenty years, that home and family so dear, by his tender ministrations, and the State by public services, which it had never before more sorely needed.

In 1872 Herndon was selected as the Democratic candidate for chief executive of the State. Among those who competed with him for the nomination was William C. Oates—a strong man—who (1894) became governor of Alabama, after having served many years, with distinguished ability, as a member of Congress from the Third district, now so successfully represented by Henry D. Clayton.

The State was barely Democratic at the time Herndon was made a candidate for governor; yet but little doubt was entertained by his friends with regard to his election. His Republican opponent in the race was David P. Lewis, a lawyer of North Alabama, well known throughout that section and personally popular. Lewis was elected by a small majority. And in its results a most unfortunate—a most disastrous election it was; for leaving out of view Herndon's supreme fitness for the position, that election brought into being the so-called court house legislature with its attendant corruptions, and secured the return (not the re-election) of the notorious George E. Spencer, a carpet-bagger of the most pronounced type, to the seat in the United States Senate, which he had dishonored for the previous six years. That election, in short, was responsible for many other black and cowardly wrongs inflicted by reconstruction upon the suffering people of Alabama. Reconstruction! Reconstruction! How innocent the word in its ordinary signification. But what a world of terrible meaning it has for every old-time son and daughter of the South! To them what dark, funereal, ghostly and ghastly thoughts are suggested by the mere mention of the word—Reconstruction! Charles Dickens forcibly says that the life of Henry Tudor was a foul blot of blood and grease upon the history of England. Reconstruction, when accurately portrayed, and all its various repulsive lines clearly and honestly drawn, will be pronounced a huge blot of the vilest dirt upon the history of America.

I saw but little of Herndon after this contest until we met in Mobile during the spring of 1875. I was there in response to an invitation from the Ladies' Memorial Association of that city to assist in paying the customary annual tribute to the Confederate

dead. Herndon, no doubt, suggested that the invitation be given me. I pause here to say (for the fact speaks volumes as to the love of the Mobile people for the "Lost Cause," and the men who died to defend it), that it was in their beautiful cemetery, at the base of the splendid Confederate monument, which had just been erected, that I, on that occasion, for the first and only time in my life, had the honor of addressing acres of people. It seemed indeed that almost the whole of the population of Mobile was crowded about and around the soldiers' graves, upon which they had heaped pyramids of flowers. Speaking of flowers suggests that I must ask permission to pause for another moment, to notice one tribute to the memory of those dead Confederates, which was most beautiful in conception, act and tendency; it was a great wreath made up of the richest and brightest gems of the hothouse, exquisitely arranged, which had been hung upon the Confederate monument by the Federal officers of Fort Morgan.

I was Herndon's guest for the short time I remained in Mobile on this interesting occasion. I thus had an opportunity of seeing something of his life at home. I had met Mrs. Herndon before at Montgomery—during the legislative session of 1857-8. I also had the pleasure at the same time and place of meeting her father, Dr. Abram F. Alexander, grandson of Abram Alexander, president of the convention that promulgated the celebrated Mecklenburg declaration of independence. I was thrown with him quite often in the brilliantly lighted (I mean by the eyes of lovely women!) parlor of the Exchange—that hotel then being the usual stopping place of much of the beauty of the State when visiting Montgomery. Dr. Alexander was a great ladies man. I simply wish by the somewhat hackneyed phrase, to convey the idea that his estimate of female character was very high, and that he loved to be with fine women. I never knew a man of this kind, who was not a thorough gentleman.

Mrs. Herndon was a true daughter of the South, not only in manner and appearance, but in quality. Much taller than the average woman, she was splendidly developed, active and graceful in movement, with finely chiseled features, and an expression both spirited and winning. She was only sixteen and Herndon twenty, when they were married in 1848. Their's was truly a love match. The flame of affection which lighted up the marriage

altar never waned amid the trials and turmoils of after life—it continued to shine serenely and brightly to the end. That home-life of Herndon in Mobile was throughout a pleasing revelation to me. Over it presided the genius of fond and trustful affection, under whose sheltering wings nestled peace, comfort, refinement and happiness.

Herndon and I took several long walks about the city during my stay. Everybody seemed to know him, and he was evidently a favorite of everybody. Friendly greetings were almost constantly being exchanged between him and the passers-by—young and old, women and men, white and black. I was prepared after these walks to fully appreciate what was so feelingly said a few years thereafter with regard to his burial in Mobile by one who was present: "He (Herndon) was no great orator, whose words had rung over the Union. He was no dead president; none came out of curiosity to see the face of the great man for the first time; but every home in that city seemed as silent as the grave. Its more than thirty thousand people had gathered to bury a dear familiar friend. One impulse animated all; everywhere the paraphernalia of woe; everywhere flowers, tokens of affection; in every face of high or low, rich or poor, the signs of sadness and sorrow. It was a touching sight to see the merchant, the lawyer, the laborer, the old and the young, the white and colored man pass, one by one, around the coffin, each taking a last look at the face of him, who was a friend to all."

But let us go back to the year 1875. A short time after this visit to Mobile, Herndon and myself met at the capitol in Montgomery as members of the constitutional convention. The city at the time was beginning to awake from the long lethargy, which had settled upon its energies under the deadening rule of reconstruction. The same was true of the whole State. George S. Houston, the honest man, the unflinching Democrat, the broad-minded statesman, the tireless worker in the interest of his people, was governor—George S. Houston, of whom and of whose gubernatorial labors, no patriotic Alabamian can think without the most elevated and elevating sentiments of pride and affection.

Leroy Pope Walker, the first Confederate secretary of war, was president of the convention. He was a man of many vir-

tues and great abilities. In him was to be traced, however, a singular combination of opposing qualities. The Napoleon of the Alabama bar and one of the State's most gifted statesmen, he was yet in despite of multitudinous "rough and tumble" struggles in the courts and on the hustings, as delicate in his feelings and as sensitive as a woman. A man of decided courage physically, he was nevertheless morally very timid. He was, however, everywhere, at all times, and under all circumstances, a finished gentleman.

There was a great work before the convention. The old Republican constitution of reconstruction days had to be blotted out and a wholly new constitution adopted. This demanded wise and considerate management, as the needs of the State had to be met and satisfied with an unsleeping eye, at the same time, to the final ratification of the convention's work by the people. Among the cool and level heads of that body—and there were in it many such—no one was cooler and as Carlyle would have said "more at one with himself" than the subject of this sketch. While, in constructing the constitution, he never advocated or favored any provision of doubtful propriety, and while he was willing to be guided by policy with regard to measures fraught with no material or serious damage to the State, he never allowed the question of subsequent ratification to have the least weight with him when the measure under consideration was one deemed by him necessary and important. Evidences of Herndon's influence can be detected in many parts of the excellent instrument, which was offered by the convention to the people of Alabama and gladly accepted by them.

I call to mind a little incident during the session, which illustrates not only Herndon's coolness, but the tenacity with which he adhered to his convictions. We were sitting together one night in his room at the Exchange when a messenger hurriedly entered and told us that President Walker of the convention wished to see us at once. His room was on the same floor with ours; and there were several other members of the convention, it should be said, who were also guests of the Exchange. When Herndon and myself reached the president's room, we found that these members had likewise been summoned, and were present. They were listening to a talk from a leading Democrat of the

State, setting forth his objections to a clause recently adopted by the convention. A few of the members, among whom was President Walker, were evidently uneasy. The distinguished speaker in the course of his remarks, said that he had just come from the section especially interested in the clause; that over there the people were greatly dissatisfied with it, too; and that, if it were not reconsidered, he would take the stump against the ratification of the constitution. This threat was made under the pressure of sudden heat and excitement. It was, however, most injudicious, whether seriously intended or not. When made Herndon rose from his seat, pulled his hat down over his brows and deliberately walked out of the room. Some of the other members soon followed him. He afterwards told me that the clause while not exactly what the convention wished, was the best that could be provided under the circumstances, and that he had no idea of sitting quietly under a lecture as to his official doings barbed with a threat. To show that the objectionable remark, however, as before suggested, was impulsively and unthoughtedly made, it is sufficient to say, that the clause was not changed and nothing further was ever heard of the matter.

Herndon was subsequently three times elected to Congress from the Mobile district. I saw and had a few minutes talk with him in Montgomery soon after he was elected the first time. He was walking with William J. Samford and C. M. Shelley—two other worthy contributions on the part of Alabama to congressional membership—when we met,—and parted. That parting was final; I never saw him again. He served two terms in Congress with honor. He never took his seat for the other term to which he had been elected. From disease caused by his old wounds, after much suffering bravely and patiently endured he died at Mobile, March 28, 1883, in the fifty-fifth year of his age. Although cut down in the prime of life, he yet, as I have endeavored to show in this paper, had opportunities, which he always seized, of doing much hard and valuable work for his State—work that is highly appreciated by those acquainted with his history; and he left behind him a reputation for intellectual and moral purity, of which his native Alabama is justly proud.

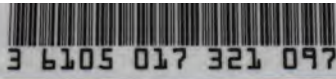
My estimate of the character of Herndon can be gathered from what I have set down in these "Recollections." That it is not

materially biased by the fact of our friendship having extended over many of the most interesting years of our joint lives, I beg to point to the utterances of one, who was not an Alabamian, nor a Democrat, nor an old friend, but one who had known him but a few years and was as widely separated from him in politics as were their homes geographically. In the little volume of addresses on Herndon's life and character, in Congress, after his death, I find that Mr. Horr, of Michigan said: "For two years I served with Mr. Herndon upon the committee of commerce. It was a laborious committee. I had there opportunities to meet him almost every day of the session; for in the Forty-seventh Congress we were at work constantly on that committee. In that way I think I learned more of his character than I could have learned by meeting him on the floor of the House in perhaps ten years' service. During those entire two years, I do not recollect a single instance of any thing but the most pleasant relations between Mr. Herndon and every member of the committee. And what is perhaps still stranger, while he and I differed as widely as two men could differ on questions of politics, I do not now remember to have had the least difference with him on any question of business, and that committee as you all know, was devoted entirely to business, to the development of the business interests of the country.

"I very well remember the last time I ever saw him. The committee had been postponing for days matters which pertained to his State and district on account of his illness, in order that we might learn from him his wishes as to the different matters before the committee. He finally came in—feeble, but with the same quiet unobtrusive manner that so attached to him every member of the committee. And I recollect as he went over the list and pointed out the instances in which his people were affected by the legislation we were proposing, how careful and conscientious he was to demand only what his people ought to have. And I reveal no secret of the committee when I say, that in a list of twenty requests we adopted without a dissenting voice every one of his recommendations. He was a safe man to follow. He was a man whose head was level and whose judgment was accurate on questions of public business or public policy."

I would like to give extracts from the "memorial addresses,"³ in that volume, of Morgan, Pugh, Oates, Herbert, Jones (Herdon's immediate successor), Forney, Shelley, Culbertson of Texas, Dowd of North Carolina, Gibson of Louisiana, Henderson of Illinois, Jones of Florida, and Randall of Pennsylvania—at any rate from some of them—but I forbear. Perhaps I have said enough. I cannot conclude, however, without stating that all the addresses I have mentioned are admirable—worthy of the distinguished speakers and the distinguished subject—are really gems of mortuary eloquence; or rather, taken together they are a veritable bouquet of literary flowers—none distorted or lifeless—but all fresh, genuine and natural—sweet in truthful fragrance, and radiant in truthful bloom.

³ Memorial address on the life and character of, etc., 1884. 8 vo. pp. 70, *portrait*.



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